

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINDA DELGADO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:23-cv-01404-SAB

ORDER RE STIPULATION FOR
VOLUNTARY REMAND PURSUANT
TO 42 U.S.C. § 405(g)

(ECF Nos. 9, 16, 22)

Linda Delgado (“Plaintiff”) seeks judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On November 15, 2023, the parties filed a stipulation agreeing to a voluntary remand of this matter pursuant to 42 U.S.C. § 405(g) for further administrative proceedings. (ECF No. 9.) The Court granted the stipulation on November 15, 2023 (ECF No. 10), but later discovered not all parties had consented to Magistrate Judge jurisdiction. On February 23, 2024, the Court issued an order re-opening the case and vacating its previous order granting the stipulated voluntary remand. (ECF No. 16.) The parties were afforded the opportunity to elect to consent to Magistrate Judge jurisdiction before the Court directed the Clerk of Court to assign a district judge. By February 27, 2024, all parties consented to Magistrate Judge jurisdiction. (ECF Nos. 17, 18, 21, 22.) The undersigned therefore proceeds with entry of final judgment in this matter.

Pursuant to the stipulation filed by the parties on November 15, 2023, the Commissioner will remand the case to an Administrative Law Judge (ALJ) to take any necessary action to complete the administrative record, offer Plaintiff a new hearing, take any necessary action to complete the administrative record, and issue a new decision. (Id.) The parties request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff and against Defendant, reversing the final decision of the Commissioner. (Id.) The Court finds good cause to grant the parties' stipulated request.

Accordingly, IT IS HEREBY ORDERED that:

1. The above-captioned action be remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the stipulation for remand;
2. Judgment is entered in favor of Plaintiff Linda Delgado and against Defendant Commissioner of Social Security; and
3. The Clerk of the Court is directed to close this action.

IT IS SO ORDERED.

Dated: February 29, 2024


UNITED STATES MAGISTRATE JUDGE